

// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of June, 2003, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Barksdale gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the May 27 (two meetings), 2003 meetings, having been previously furnished Council, reading was dispensed with. Council Member Adams requested one correction to the minutes of the regular meeting on May 27, i.e., the person who spoke was "Julie Kiracofe" not Julie Carico and that Ms. Kiracofe is a Board Member of the Alliance for Families and Children. On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote approved the minutes as corrected:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, Resolution #R-03-100 appropriating \$12,134 for implementation of the surveillance and larvicide program as outlined in the West Nile Virus Control Plan, laid over from the May 27, 2003 meeting, was again presented and read, and on motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Budget, Resolution #R-03-101 appropriating \$50,000 within the FY 2004 General Fund Reserve for Contingencies to be used at the discretion of the City Manager for special and extraordinary purposes, laid over from the May 27, 2003 meeting, was again presented and read, and on motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Fire - General, Resolution #R-03-102 appropriating \$22,125, fully reimbursable, to enhance emergency medical services training, equipment and supplies, laid over from the May 27, 2003 meeting, was again presented and read, and on motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of City Council, City Council Report #5 was considered. On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote cancelled the City Council meetings of July 22, August 26 and December 23, as well as the Council work sessions during the same three months:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Airport - General, City Council Report #6 was considered. On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-104, as presented, appropriating \$17,500 to provide for the payment of rent by the City to the Lynchburg Regional Airport for the City's Fire Training Facility located on 25 acres of airport property:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Airport - General, City Council Report #7 was considered. On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-105, as presented, appropriating \$20,000 to provide the 20% local match required for construction of an aircraft/ vehicle wash rack:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - General, City Council Report #8 was considered. On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-106, as presented, amending the FY 2003 Home Investment Trust Fund budget and appropriating \$25,000 to that Fund, with program income resources from the Rental Rehabilitation designated fund balance, to fund the additional HOME eligible projects:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Fleet Services, City Council Report #9 was considered. On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-107, as presented, amending the FY 2003 Fleet Services budget and appropriating \$59,891 from auction proceeds to supplement the fleet replacement program:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Airport - General, City Council Report #10 was considered. On motion of Council Member Adams, seconded by Council Member Barksdale, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-108, as presented, amending the Airport Projects Grant Fund budget and appropriating \$89,279, with \$71,423 reimbursement, for the rehabilitation of the Airport's North General Aviation Apron Project:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Taxes, Ms. Janet Anders, President of the Lynchburg Area Women's Bowling Association, requested that City Council rescind its earlier decision to impose the City's amusement tax on bowling. Ms. Anders presented a number of reasons why bowling should be considered a sport and not

subject to the amusement tax. Ms. Anders went on to say that the 5% amusement tax is having a negative impact on membership. Following discussion, this matter was deferred to a future work session for further discussion, and staff was asked to provide information regarding the amusement tax including how other localities view bowling with regard to the amusement tax.

// In the matter of Industrial Development Authority, City Council Report #12 regarding authorizing Lynchburg Industrial Development Authority (LIDA) issuance of \$12,000,000 industrial development revenue bonds to Lynchburg College was considered. Mr. Ted Craddock, an attorney representing the Authority, outlined the proposal and asked for approval. On motion of Council Member Adams, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Resolution #R-03-109, as presented, authorizing Lynchburg Industrial Development Authority issuance of \$12,000,000 industrial development revenue bonds to Lynchburg College:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning – Community Development, City Council Report #13 regarding revising the funding amount for eleven (11) public service activity projects that was previously approved in the Community Development Block Grant (CDBG) Fiscal Year 04 Action Plan was considered.

Administrative and Grants Coordinator Melva Walker provided an overview regarding the proposed 15.2% reduction to the eleven (11) public service activity projects and explained that it is proposed that the reallocated funds be allocated to the Downtown Wayfinding Signage System. Council Member Foster stated that she would abstain since the Alliance for Families and Children is involved. On motion of Council Member Barksdale, seconded by Vice Mayor Dodson, Council by the following recorded vote revised the funding amount for eleven (11) public service activity projects that was previously approved in the CDBG Fiscal Year 04 Action Plan, and approved the reallocation of those funds to the Downtown Wayfinding Signage System:

Ayes: Adams, Barksdale, Dodson, Garber, Seiffert, Hutcherson 6

Noes: 0

Abstention: Foster 1

// In the matter of Community Planning - General, City Council Report #14 regarding requesting the Commonwealth Transportation Board to establish a project for the Downtown/Riverfront Wayfinding Signage was considered. City Planner Tom Martin outlined the request. On motion of Vice Mayor Dodson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-03-110, as presented, requesting the Commonwealth Transportation Board to establish a project for the Downtown/Riverfront Wayfinding Signage:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Finance - General, City Council Report #15 was considered. On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote adopted

Ordinance #0-03-111, as presented, amending Sections 39-12, 39-13, 39-29, 39-31 and 39-54.2 of the City Code relating to the billing and collection of water and sewer charges:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of City Code/Public Works - Water, City Council Report #16 regarding implementation of a Water System Backflow Prevention Program was considered. Tim Mitchell, Acting Director of Utilities, provided an overview regarding the program, which is required as a condition for the issuance and continued use of the State operation permit issued to the City's waterworks. City Council asked that staff provide a six-month progress report following implementation of the program. On motion of Council Member Adams, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Ordinance #0-03-112, as presented, amending the City Code relating to the repair of water meters and the protection of the water system from contaminants:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - Refuse, City Council Report #17 regarding amending the City Code relating generally to solid waste collection, management and disposal was considered. Solid Waste Director Dave Owen presented the proposed City Code amendments to implement the changes to the Solid Waste services, fees, and payment methods as previously approved by City Council. Council Member Seiffert stated that the reasons he gave at the February 11 meeting as to why he could not support the proposal are still valid and that he plans to vote against the proposal. Vice Mayor Dodson asked the City Administration to provide regular progress reports to City Council regarding the changes to the solid waste program. On motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted Ordinance #0-03-113, as presented, amending the City Code relating generally to solid waste collection, management and disposal:

Ayes: Adams, Barksdale, Dodson, Foster, Hutcherson 5

Noes: Garber, Seiffert 2

// On motion of Council Member Adams, seconded by Council Member Seiffert, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, to discuss the annual performance of the City Manager, City Attorney and Clerk of Council, and for consultation with legal counsel concerning a specific legal matter regarding the rezoning of the Ericsson property which requires the provision of legal advice pursuant to Section 2.2-3711(A) (1) and (7), respectively, of the Code of Virginia, 1950, as amended:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// The meeting was re-opened to the public.

// Council Member Barksdale made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Seiffert, and Council by the following recorded vote adopted the motion:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Appointments, and on nomination of Council Member Adams, Council by the following recorded vote re-appointed Frank P. Yeatts to serve on the City Employees Appeal Board for a term to expire June 30, 2006:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Adams, Council by the following recorded vote re-appointed Clyde T. Clark and James H. Mundy to serve on the Central Virginia Community College Board for terms to expire June 30, 2007:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Adams, Council by the following recorded vote re-appointed Julia P. Doyle and Jean Smith-Turner to serve on the School Board for terms to expire June 30, 2006:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Adams, Council by the following recorded vote appointed Leslie J. Faircloth to serve on the School Board for a term to expire June 30, 2006:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Adams, Council by the following recorded vote re-appointed Robert E. Clarke to serve on the Industrial Development Authority Board for a term to expire June 30, 2007:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Adams, Council by the following recorded vote re-appointed Laura B. Crumbley, Eleanor T. Dovel, Robert D. Gardner, W. Randolph Nexsen, Carol Spencer Read, and Marc A. Schewel to serve on the Museum Advisory Board for terms to expire June 30, 2006:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Adams, Council by the following recorded vote appointed William L. Burnham and Laura B. Munson to serve on the Museum Advisory Board for terms to expire June 30, 2006:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

On nomination of Council Member Adams, Council by the following recorded vote re-appointed L. Kimball Payne, III, to serve on the Metropolitan Planning Organization for a term to expire June 30, 2006:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// The meeting was recessed at 10:20 P.M. to June 24, at 2:30 P.M., to conduct a work session regarding several items.

Clerk of Council